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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,045	03/24/2005	Celestin Sedogbo	4590-387	6233
33308 7590 09/13/2007 LOWE HAUPTMAN & BERNER, LLP 1700 DIAGONAL ROAD, SUITE 300 ALEXANDRIA, VA 22314			EXAMINER SEYE, ABDOU K	
			ART UNIT 2194	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/529,045

Applicant(s)

SEDOGBO ET AL.

Examiner

Abdou Karim Seye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON  
SENIOR PATENT EXAMINER  
TECHNICAL STAFF CENTER 2100

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on June 29, 2007 has been received and entered. The amendment amended Claims 1-9 and added new claims 10-13. The currently pending claims considered below are Claims 1-13.

### ***Claim Rejections - 35 USC § 101***

2. The amendment filed on June 29, 2007, has overcome the rejections to Claims 1-4, and 7-9 under 35 U.S.C. 101 paragraph in paragraph 3 of the previous office action by amending these claims. Therefore, the examiner hereby withdraws the rejections of claims 1-4 and 7-9 under 35 U.S.C. 101.

However, for further clarification of the 101 rejections on the previous office action the amendment of claims 5-6 has not overcome the 101 rejections under 35 U.S.C. as follow.

### ***Claim Rejections - 35 USC § 101***

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. As per claim 5 the claimed device/system comprising of a container device is considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as

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computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized...".

New added claims 12-13 and dependent claim 6 are also rejected for failing to remedy the deficiencies of the above rejected non statutory claim 5.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hayes-Roth. (US 20030028498).**

Claims 1 and 5, Hayes-Roth teaches method and system making it possible to render user-system interaction independent of an application and of the interaction media, this system having at least one computing layer supporting at least one representation of a terminal and at least one representation of an application, and having at least one user interface itself supporting a piece of software, comprising the steps of:

creating a container in which is stored at least one of the following representations of the interaction context: representation of the terminals that can be used by users of the system, representations of the modes of action, representation of the modes of perception of the exchanges of information by the users, representation of activity of the users, representation of context, representation of the services expected (abstract; fig. 2/200; paragraph 157,158,162,163,164), and creating a person- system interaction container (PSIC) interaction by using the representations to construct, adapt and manipulate knowledge bases constituting a structured representation of the context of use of the system, and that establishing with aid of this representation, a dialog between the users and the services of the application (abstract; paragraph 40-46; expert agents created).

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Claim 2: Hayes-Roth further discloses that all the communications between the user interface and functions of the application are managed by the container(fig. 2/213,207,208 and 210 paragraph 157-165).

Claim 3: Hayes-Roth further discloses that the interaction services implemented by the container use one at least of the following knowledge bases: the domain of application, an application, the user or users, the task, the modes of perception and of action offered by the terminal (fig. 2, paragraph 157-165).

Claim 4: Hayes-Roth further discloses that the PSIC updates and uses a log of a dialog between user and the system (paragraph 48).

Claim 7: Hayes-Roth further discloses a step as in claim 2 above and further discloses that, the interaction services implemented by the container use one at least of the following knowledge bases: the domain of application, an application, a user or users, the task, the modes of perception and of action offered by the terminal (fig. 2; paragraph 44).

Claim 8: Hayes-Roth further discloses a method step as in claim 2 and further discloses that, the PSIC updates and uses a log of a dialog between a user and the system; update and use interactive information logged in a database (paragraph 48, 44, 181, 182).

Claim 9: Hayes-Roth further discloses a method step as in claim 3 and further discloses that the PSIC updates and uses a log of the dialog between user and the system update and use interactive information logged in a database (paragraph 48, 44, 181, 182).

Claim 6: Hayes-Roth teaches, wherein the container device comprises a subset for analyzing events (paragraph 181) represented by the actions of the users on the interfaces, a subset for taking account of the actions of the users and for managing interaction (database management component; fig. 2/210; paragraph 181), a subset for communicating with the applications (fig. 2; paragraph 181) server, a subset of filters, an adapter and mode selector (adapt a service for a client; paragraph 46 and 49) subset and a subset of converters (personalize the service; paragraph 46 and 49) for the usage interfaces.

Claim 10, Hayes-Roth teaches,

wherein the applications and the interfaces are kept separated by the PSIC ( FIG. 2; application component 201 are separate from interface 206 of FIG. 2).

Claim 11 Hayes-Roth teaches ,

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wherein the user's interface is provided by the PSIC which interprets any action on the interface and the PSIC generates calls to the application (FIG. 2; paragraph 166-167).

As per claims 12 and 13; they are rejected for the same reasons as claims 10 and 11 above.

### ***Response to Arguments***

6. Applicant's arguments filed June 29, 2007 have been fully considered but they are not persuasive.

a. Applicant argues that "Hayes-Roth's reference neither forecasts nor suggests any customizable interaction layer between the client interface and the application server". The examiner disagrees since, Hayes Roth teaches in the (abstract) section a client-server technology within a computer network including the configuration system such as the element 200 in (FIG. 2, paragraph 157-167) that represents the customizable interface layer between the client and the server. Therefore, this claimed element of Hayes's reference meets the claimed limitation of the claim.

b. The amendment filed on June 29, 2007, has overcome the rejections to Claims 1-4, and 7-9 under 35 U.S.C. 101 paragraph in paragraph 3 of the previous office action by



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amending these claims. Therefore, the examiner hereby withdraws the rejections of claims 1-4 and 7-9 under 35 U.S.C. 101. However, for further clarification of the 101 rejections on the previous office action the amendment of claims 5-6 has not overcome 101 rejection under 35 U.S.C since the claimed device/system comprising of a container device is considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized... ". Therefore, appropriate correction is required.

New added claims 12-13 are also rejected for failing to remedy the deficiencies of the above rejected non statutory claim 5.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Chai et al. (US6829603) discloses a system, method and program product for interactive natural dialog.

Oblinger (20020107852) discloses a customer self service subsystem for context cluster discovery and validation.

Elad et al. (US 7092928) discloses an intelligent portal engine.

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.


If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS

September 04, 2007

  
**WILLIAM THOMSON**  
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